

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

KIM E. FITZGERALD,	)	
	)	
Plaintiff,	)	
	)	Case No. 4:04cv00055
v.	)	
	)	<b>ORDER</b>
JO ANNE S. BARNHART,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

On November 1, 2004, this Court entered an order referring this case to the Honorable B. Waugh Crigler, United States Magistrate Judge, for proposed findings of fact and recommended disposition. The magistrate judge filed his report and recommendation on June 28, 2005. After a careful review of the entire record in this case and no objection having been filed to the magistrate judge's report and recommendation within ten (10) days of its service upon the parties, this Court adopts the magistrate judge's report in its entirety. Accordingly, it is this day **ADJUDGED** and **ORDERED** as follows:

1. The report and recommendation of the United States Magistrate Judge, filed June 28, 2005, shall be, and hereby is, **ADOPTED** in its entirety.
2. The plaintiff's claim is hereby **REMANDED** for further proceedings. In the event that the commissioner is unable to grant benefits on the current record, she is to recommit the case to a Law Judge to conduct supplemental proceedings in which both sides may introduce additional evidence.
3. This case shall be, and it hereby is, dismissed and stricken from the active docket of this Court.

The Clerk is directed to send a certified copy of this order to the plaintiff, counsel of record and to U. S. Magistrate Judge B. Waugh Crigler.

ENTER this 20<sup>th</sup> day of July, 2005.

s/Jackson L. Kiser  
Senior United States District Judge